

(h) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(i) No bonus may be paid under this section to any person for an enlistment after September 30, 1998.

(Added Pub. L. 99-145, title VI, §644(a)(1), Nov. 8, 1985, 99 Stat. 652; amended Pub. L. 100-26, §8(d)(4), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title VI, §626(b), Dec. 4, 1987, 101 Stat. 1104; Pub. L. 101-189, div. A, title VI, §613, Nov. 29, 1989, 103 Stat. 1446; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-484, div. A, title VI, §612(d), title XI, §1136, Oct. 23, 1992, 106 Stat. 2421, 2541; Pub. L. 103-160, div. A, title VI, §612(e), Nov. 30, 1993, 107 Stat. 1680; Pub. L. 103-337, div. A, title VI, §611(e), Oct. 5, 1994, 108 Stat. 2783; Pub. L. 104-106, div. A, title VI, §611(e), Feb. 10, 1996, 110 Stat. 359; Pub. L. 104-201, div. A, title VI, §611(g), Sept. 23, 1996, 110 Stat. 2543.)

#### AMENDMENTS

1996—Subsec. (i). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (i). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1993—Subsec. (i). Pub. L. 103-160 substituted “September 30, 1995” for “September 30, 1993”.

1992—Subsec. (c). Pub. L. 102-484, §1136, inserted before period at end “and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member’s grade and years of service”.

Subsec. (i). Pub. L. 102-484, §612(d), substituted “September 30, 1993” for “September 30, 1992”.

1991—Subsecs. (e) to (g). Pub. L. 102-25 struck out “of this section” wherever appearing.

1989—Subsec. (i). Pub. L. 101-189 substituted “September 30, 1992” for “September 30, 1990”.

1987—Subsec. (b)(1)(B). Pub. L. 100-26 inserted a comma after “\$2,500”.

Subsec. (i). Pub. L. 100-180 substituted “September 30, 1990” for “September 30, 1987”.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-160 effective as of Sept. 30, 1993, and applicable with respect to an enlistment, reenlistment, or extension of an enlistment described in this section or section 308b, 308c, or 308h of this title occurring on or after that date, see section 612(f) of Pub. L. 103-160, set out as a note under section 308b of this title.

#### EFFECTIVE DATE

Section 644(b) of Pub. L. 99-145 provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 1985.”

#### COVERAGE OF PERIOD OF LAPSED AUTHORITY

For provisions relating to coverage of period of lapsed authority from Oct. 1, 1992, to Oct. 23, 1992, for payment of bonuses or other special pay under this section, see section 612(j)(2) of Pub. L. 102-484, set out as a note under section 301b of this title.

### **[§ 309. Repealed. Pub. L. 96-107, title IV, § 404(a)(1), Nov. 9, 1979, 93 Stat. 808]**

Section, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components.

#### EFFECTIVE DATE OF REPEAL

Section 404(b) of Pub. L. 96-107 provided that: “The amendments made by this section [repealing this section] shall apply only with respect to administrative functions performed after September 30, 1980.”

### **§ 310. Special pay: duty subject to hostile fire or imminent danger**

(a) Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of \$150 for any month in which he was entitled to basic pay and in which he—

(1) was subject to hostile fire or explosion of hostile mines;

(2) was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

A member covered by clause (3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which he is so hospitalized.

(b) A member may not be paid more than one special pay under this section for any month. A member may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

(c) Any determination of fact that is made in administering this section is conclusive. Such a determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the determination may be changed on the basis of new evidence or for other good cause.

(Added Pub. L. 88-132, §9(a)(1), Oct. 2, 1963, 77 Stat. 216; amended Pub. L. 89-132, §4, Aug. 21, 1965, 79 Stat. 547; Pub. L. 98-94, title IX, §905(a), (b)(1), Sept. 24, 1983, 97 Stat. 636, 637; Pub. L. 99-145, title VI, §638(a), Nov. 8, 1985, 99 Stat. 649; Pub. L. 101-510, div. A, title XIII, §1322(c)(6), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-190, div. A, title VI, §§611(a), 613, Dec. 5, 1991, 105 Stat. 1376, 1377.)

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted “Under” for “Except in time of war declared by Congress, and